

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

ORIGINAL

DOCKET FILE COPY ORIGINAL

In the Matter of)

Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations)
(Midway, Falmouth and Owingsville, Kentucky))

MB Docket No. 05-248
RM-11262

RECEIVED

OCT - 4 2005

To: Secretary, Federal Communications Commission

Attn: Assistant Chief, Audio Division, Media Bureau

Federal Communications Commission
Office of Secretary

REPLY COMMENTS

L.M. Communications of Kentucky, LLC ("LMC"), the licensee of Station WBTF(FM), Midway, Kentucky and Gateway Radio Works, Inc., licensee of Station WKCA(FM), Owingsville, Kentucky (jointly, "Petitioners"), by their attorneys, hereby file reply comments in opposition to the Comments and Counterproposal ("Counterproposal") of Educational Media Foundation ("EMF"), licensee of Station WHIR-FM, Channel 296A Danville, Kentucky; the Comments of Hammond Broadcasting Inc. ("Hammond"), licensee of Station WIOK(FM), Falmouth, Kentucky; the Counter Proposal (sic) of RGS Communications, Inc. ("RGS"); and the Counterproposal and Comments of West Portsmouth Broadcasting ("WPB") in the above-captioned proceeding.

DISCUSSION

THE EMF PROPOSAL

In its Counterproposal, EMF proposes to 1) reallocate Channel 296A from Danville to Wilmore, Kentucky and modify the license of WHIR-FM to specify Wilmore as its community of license and 2) allocate Channel 298A at Perryville, Kentucky, arguing that Perryville is a community for allotment purposes and therefore would receive first local transmission service. For the reasons discussed herein, EMF's proposal will not advance the public interest. Alternatively, by placing a site restriction on

LMC's proposed upgrade of WBTF, both EMF's proposed reallocation of Channel 296A and Petitioners' proposal could be granted.

I. EMF's Proposal Does Not Advance the Public Interest

EMF asserts that its request for reallocation of Channel 296A from Danville to Wilmore, Kentucky will serve the public interest because it would result in the provision of 60 dBu service to more people than are currently served. Although service to additional people is generally recognized under priority four of the Commission's allotment priorities -- other public interest matters -- the Commission has typically disfavored situations such as the one proposed by EMF where a station would move from a large community to a much smaller one and both communities currently have transmission service. According to the 2000 U.S. Census, Danville is almost three times larger than Wilmore.¹ Although the Commission has in some instances indicated that it will grant a reallocation under priority four where there is no change in transmitter site, in those cases the Commission looked to the populations of the communities in question in order to determine how the public interest would be best served.² The Commission has consistently favored the community with the larger population.³ Thus, WHIR-FM's continued transmission service to Danville better serves the public interest, and Channel 296A should remain allotted to Danville.

In addition, the Commission should conclude that Perryville, Kentucky is not a "community" for allotment purposes and is therefore not entitled to a preference for first local transmission service. Perryville's dwindling population, eroding commercial and cultural presence and extremely limited

¹ Danville's population is 15,477 and Wilmore's population is 5905.

² See 90 FCC 2d 88 (1982). The allotment priorities are: (1) First fulltime aural service; (2) second fulltime aural service; (3) First local service; and (f) other public interest matters. Equal weight is given to priorities (2) and (3). The FM allotment priorities are: (1) first aural service; (2) second aural service; (3) first local service; and (4) other public interest matters. Equal weight is given to priorities 2 and 3, but provision of second local service falls under priority number four, other public interest matters.

³ See, e.g., *Ankeny and West Des Moines, Iowa*, 15 FCCR 4413 (Allocations Br. 2000); *Bay St. Louis and Poplarville, Mississippi*, 10 FCCR 13144 (Allocations Br. 1995); *Hallie and Ladysmith, Wisconsin*, 10 FCCR 9257 (Allocations Br. 1995).

independent municipal services evidence that Perryville is lacking the indicia necessary to warrant community status.

Perryville's heyday occurred in the early- to mid-19th century. In recent years, Perryville has been steadily declining. At about the time of the Civil War, when Perryville was county seat and site of the historic Battle of Perryville, its population topped 600. By 1990, however, its population had grown only slightly, to 815. In the ten years that followed the 1990 Census survey, Perryville lost more than 6% of its population – falling to 763. Census estimates through 2003 show an additional 2% loss in population, bringing the total estimated population of Perryville in 2003 to 749.

Although Perryville retains historical significance as the site of the Civil War's Battle of Perryville in 1862, its present persona is that of a bedroom community of Danville. As noted in Exhibit D attached hereto, Perryville employs only one part-time and four full-time government employees. The Perryville Police Department consists of one lone officer and the Fire Department is comprised entirely of volunteers. *See Declaration of Anthony Young, Chief, Perryville Fire Department*, attached hereto. Water service is provided by nearby Danville, Kentucky.

Indeed, Perryville's mayor notes the city's water service from Danville as one of his "Top 10" reasons to live in Perryville, along with its "only two stoplights – no waiting" and the Danville Advocate Messenger as a source of local news. That mayor, Bruce Richardson, states on his own web site⁴ that he is a writer, photographer, tea blender, and frequent radio and television guest as well as speaker at tea conferences and seminars across the country. Mr. Richardson boasts elsewhere on his site that he "travels extensively throughout the year tasting and purchasing new teas." After several paragraphs dedicated to his various business and cultural activities, in Mr. Richardson's only mention of his duties as Mayor of Perryville, he states that "[i]n his spare time, he lends his leadership skills as mayor of the

⁴ See Elmwood Inn: About Bruce Richardson, at www.elmwoodinn.com/about/bruce_richardson.html (last visited Oct. 2, 2005).

historic village of Perryville, Kentucky.” Clearly, the Perryville mayoral position does not take up much of Mr. Richardson’s time nor does he regard it as a priority.

The Commission has concluded that a location does not have sufficient indicia to qualify as a "community" for allotment purposes when there are no stores located within it from which to purchase necessities.⁵ In this instance, the prominent Perryville business run by Mayor Richardson and cited by EMF, the Elmwood Inn Tea Room, closed its doors in late July, 2004. *See Elmwood Inn: Elmwood Tea Room Closes*, at www.elmwoodinn.com/press/documents/pressrelease_tearoom.rtf (last visited Oct. 4, 2005). Another well-known Perryville business cited by EMF, the Perryville Furniture Mart, will soon close its doors as well. *See Declarations of Mary Morgan and Barbara Brummett, Co-owners of the Perryville Furniture Mart*, attached hereto at Exhibit B. Indeed, Perryville is without even one restaurant, grocery store, or retail clothing store within its boundaries for its residents, and clearly the businesses that are available to residents and visitors of Perryville are struggling to remain viable. And as illustrated by the photographs included in Exhibit C, many of the homes and buildings in Perryville are ill-maintained or decrepit.⁶ Perryville is truly a town in decline and does not warrant community status for allotment purposes.

II. The WBTF Upgrade Can Coexist With the WHIR-FM Wilmore, Kentucky Community of License Change

As discussed by Charles Anderson in the engineering exhibit attached as Exhibit A, by changing the reference point for the WBTF 298C3 upgrade to an existing tower at N 38-12-15 W 84-32-51, both the WBTF upgrade and the WHIR-FM community of license change and upgrade could be accomplished, resulting in a combined population increase of 370,789. Both of these changes and the resulting population gain can be accomplished if the proposed allotment to Perryville is not pursued. As

⁵ *See Las Vegas and Rowe, New Mexico*, 16 FCC Rcd 2312 (Allocations Br. 2001).

⁶ Motorists are not even required to slow their pace through the town – the posted speed limit ranges from 45 to 55 miles per hour on the roads that run through Perryville. *See Exhibit C*.

noted above, because Perryville does not warrant community status for allotment purposes and because Boyle County, which includes Perryville, already receives service from numerous radio stations, there should be no question that the upgrade of both WBTF and WHIR-FM would best serve the public interest.

THE HAMMOND PROPOSAL

In its Comments, Hammond opposes the reallocation of its WIOK from Channel 298A to Channel 300A in part on the basis that the move “poses a serious risk of intermodulation interference to FAA localizer frequencies” and that the move would undermine Hammond’s efforts to establish WIOK as “107.5 Tri-State Gospel.”⁷ Hammond Comments at 1-2.

Section 316(a) of the Communications Act of 1934, as amended, allows the Commission to modify an authorization if it is in the public interest. In response to an *Order to Show Cause*, Hammond raised no facts whatsoever that would lead to a conclusion that LMC’s proposed service would not serve the public interest. Longstanding Commission precedent makes clear that the public interest is served where the substitution of an existing station’s channel at one community permits the provision of a new or expanded service in another community.⁸ For the following reasons, Hammond’s challenges are insufficient to show cause not to reallocate WIOK as proposed in the NPRM.

⁷ Hammond also cites the impact of the reallocation on two LPFM stations as well as its alleged negative effect on Hammond’s outreach to the region’s Hispanic population. Neither of these arguments is sufficient to challenge the reallocation of WIOK to Channel 300A. LPFM is a secondary service and therefore any detrimental impact to an existing or authorized LPFM station cannot undermine the public interest benefits to be gained from the reallocation. In addition, Hammond’s unfounded and speculative inferences regarding its continued Hispanic outreach on a sister station cannot support its opposition to the reallocation either, as the FCC does not consider or make value judgments regarding the content or programming of an affected station, much less of its sister station, in making allotment determinations.

⁸ See, e.g., *Churchville and Luray, Virginia*, 5 FCC Rcd 1106 (Allocations, 1990), *Marietta, Ohio, and Ravenswood, West Virginia*, 2 FCC Rcd 4681 (Allocations, 1987), and *Vancouver, Washington; Coos Bay and Corvallis, Oregon*, 4 FCC Rcd 839 (Allocations, 1989).

I. Hammond's Allegations Regarding Possible Interference to Air Navigation Are Inappropriate in the Rulemaking Context and Are Nonetheless Inadequately Supported

Hammond claims that the proposed operation of WIOK on Channel 300A will create electromagnetic interference to regional air navigation signals, and therefore the FCC should not change WIOK's channel.

As Hammond itself notes, “[t]he Commission generally presumes that a technically feasible site is available at the allotment stage.” Hammond Comments at 4. Hammond goes on to allege, however, that the instant circumstance constitutes an exception to this presumption because the “availability of a potential transmitter site is raised in comments.” *Id.* The cases Hammond cites for support are significantly different from the instant scenario. Neither involved allegations of electromagnetic interference and both were extreme cases where no viable transmitter site could be located. In *Kimberly, Idaho*, 15 FCC Rcd 10298 (MMB 2000), the owner of the land where the proposed transmitter site would have been located signed an affidavit stating that permission to use the private property for a radio tower would not be granted. In *Montauk, New York*, 19 FCC Rcd 2089 (MB 2004), the Bureau found that the proposed transmitter site was located in an area that consisted primarily of wetlands prohibiting grant of the requested allotment. Obviously, no argument regarding the lack of an available site has or could be raised in the instant case.

In fact, the Commission's case law demonstrates that issues of air navigation are not properly addressed until after a proposal is granted and has reached the application stage. In *Manitowoc and Two Rivers, Wisconsin*, 11 FCC Rcd 14569 (MMB 1996) comments were filed in opposition to a proposed allocation on the basis that a local airport was nearby. The comments included a letter from the manager of the airport and the mayor. In reply, the proponent stated that the comments did not provide a basis to support a conclusion that the FAA would not approve a site or that the necessary broadcast tower could not be built. The Bureau found that none of the arguments "sufficiently demonstrated that no sites exist that meet the Commission's spacing and technical requirements" and cited *Key West, FL*, 3 FCC Rcd 6423 (MMB 1988) for the proposition that "generally, at the rule making stage, the

Commission does not require detailed showings concerning availability and suitability of a specific transmitter site. Rather, [the FCC] requires a showing demonstrating only that such an area does exist. . . . The question of whether a specific site is legally available and suitable is a matter to be more appropriately considered in connection with an application for a construction permit for the use of the newly allotted channel." 11 FCC Rcd at para. 5.

Likewise, in *Albion, Lincoln, and Columbus, Nebraska*, 10 FCC Rcd 11931 (1995), the Commission reviewed a Petition for Reconsideration of an Order issued in a television allotment proceeding whereby the petitioner claimed that the proposed tower for the new operation would pose a hazard to air navigation. The Commission stated that "there is no basis to revisit the rule making proceeding allotting Channel 8 to Lincoln due to an air hazard concern. In a rule making proceeding, we identify a theoretical site which meets our technical requirements and *presume, at the allotment stage, that this site is available and use it as the basis for making the allotment*. However, we will consider a detailed showing that *no acceptable site* for the proposed allotment exists because of environmental, zoning, air hazard or other similar concerns." 10 FCC Rcd at para. 8 (emphasis added). Ultimately, the Commission found no air hazard issue because the petitioner had not addressed whether there was no available alternative site.

In this case, Hammond has made no attempt to show that there exists no acceptable alternative site, but merely focuses its attention on the site proposed. Even in its discussion of the proposed site, neither Hammond nor its consultant Dr. Gary M. Allen actually allege that the FAA would find that operation from the proposed site would cause a hazard to air navigation. They only state that there would be an increase in electromagnetic interference ("EMI") from operation at 300A over WIOK's current operation and that the FAA is concerned about such EMI, but cite nothing to show that the level of EMI predicted from WIOK's proposed operation would rise to the level that the FAA would find such operation a hazard to air navigation.

I. The Proposal's Impact on WIOK's Identification as "107.5 Tri-State Gospel" is Insufficient to Undermine Grant

As it has stated in this proceeding, LMC is willing to completely reimburse Hammond's Station WIOK(FM) for any legitimate and prudent expenses incurred in connection with the channel change.⁹ The Commission has held that such reimbursement is proper for: (i) engineering, legal and equipment charges; (ii) printing (logs and stationery); (iii) out of pocket nonreducible expenses while the station is off the air; (iv) advertising promotion for the new frequency; and (v) miscellaneous expenses.¹⁰ Hammond will be reimbursed for its legitimate and prudent expenses associated with the frequency change and will have a significant period of time before it will be required to change channels. As the Commission has stated "it is generally not necessary for the change to take place until utilization of the existing frequency actually prevents a newly authorized station from inaugurating service."¹¹ Hammond will therefore have more than sufficient time to notify the public of its frequency change and to discontinue its identification with 107.5.

In this instance, WIOK's identification with its current frequency is irrelevant to considerations as to whether it is in the public interest to allow the channel change to proceed. Given that it is in the public interest to permit this channel change, and Hammond will be reimbursed for legitimate and prudent expenses associated with the change, Station WIOK(FM)'s license should be modified accordingly.

THE RGS PROPOSAL

RGS submitted a one-page pleading in this proceeding that requested that the Commission allot a second channel for Owingsville, KY at 294A (106.9 Mhz). RGS's submission was woefully deficient,

⁹ See *Circleville, Ohio*, 8 FCC 2d 159 (1967) and *Georgetown, Mason, Oxford and West Union, Ohio, and Salt Lick, Kentucky*, 20 FCC Rcd 12976 (MB 2005).

¹⁰ *Circleville, Ohio*, 8 FCC 2d 159.

¹¹ *Lechman and Commonwealth Audio Visual Enterprises*, 8 FCC Rcd 3058 (Audio Services Division, 1993). See, e.g., *Albany, Buffalo, Ilion, and Utica, New York, and Boston, Massachusetts*, 2 FCC Rcd 4300 (1987), and *Broken Arrow and Bixby, Oklahoma, and Coffeyville, Kansas*, 4 FCC Rcd 6981 (1989).

and therefore must be dismissed. Section 1.52 of the Commission's Rules requires that the original of any document filed with the Commission by a party not represented by counsel shall be signed and verified by the party and his/her address stated; in the absence of such verification, the petition may be dismissed.¹² Moreover, Section 1.402(b) of the Commission's Rules concerning rule making proceedings places petitioners on notice that their proposals must conform to the requirements of Section 1.52 regarding subscription and verification.¹³ RGS's counterproposal was not properly certified, and there were no affidavits verifying that the statements contained therein were accurate. In addition, RGS failed to conduct a channel study and failed to include coordinates in the counterproposal. These procedural deficiencies warrant a dismissal.

Even if RGS's counterproposal were procedurally correct, the counterproposal remains technically incorrect. The Commission has determined in numerous proceedings that "[c]ounterproposals must be technically and procedurally correct at the time of their filing" or be dismissed.¹⁴ RGS requests "channel 294A (106.9 MHz)," when in fact the frequency of 106.9 does not correlate to channel 294A. The Commission has held that such technically and procedurally incorrect counterproposals are dismissed, and "counterproponents are not permitted to file curative amendments."¹⁵

¹² See e.g., *Bay Minette, Butler, Evergreen and Jackson, Alabama, and Bay Springs, Ellisville & Waynesboro, Mississippi*, 9 FCC Rcd 3154 (Allocations Br. 1994).

¹³ See also Amendment of Sections 1.420 and 73.3584 of the Commission's Rules Concerning Abuses of the Commission's Processes, 5 FCC Rcd 3911, n.41 (1990) ("Therefore, we believe these rules should be strictly enforced in allocations proceedings").

¹⁴ *Bay Minette, Butler, Evergreen and Jackson, Alabama, and Bay Springs, Ellisville & Waynesboro, Mississippi*, 9 FCC Rcd 3154 (Allocations Br. 1994). See also *Caliente, Bunkerville, Laughlin, Logandale, Nevada; Mohave, Arizona; St. George, Utah*, 20 FCC Rcd 893 (Audio Div. 2004); *Hattiesburg, Mississippi*, 7 FCC Rcd 7602 (Allocations Br. 1992); *Fort Bragg, California*, 6 FCC Rcd 5817 (Allocations Br. 1991); *Eldorado, OK, et al.*, 5 FCC Rcd 6737 (Allocations Br. 1990); *Broken Arrow and Bixby, Oklahoma and Coffeetown, Kansas*, 3 FCC Rcd 6507 (Allocations Br. 1988), recon. denied, 4 FCC Rcd 6981 (Policy and Rules Div. 1989).

¹⁵ *Frederiksted, Virgin Islands*, 12 FCC Rcd 2406 (MMB 1997).

THE WPB PROPOSAL

In its Counterproposal and Comments, WPB seeks allocation of Channel 294A, 106.7 Mhz, at West Portsmouth, Ohio as its first local transmission service. The counterproposal is mutually exclusive with the use of 295A at Owingsville proposed in the NPRM. As noted by Charles Anderson in his statement attached hereto as Exhibit A, this conflict may be easily resolved by changing the reference coordinates for the Channel 294A allocation to N 38-40-08 W 83-07-38.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that proposed substitution of Channel 298C3 for Channel 300A at Midway, Kentucky; substitution of Channel 295A for 299A at a new site at Owingsville, Kentucky; and substitution of Channel 300A for Channel 298A at Falmouth, Kentucky, along with the requisite modifications of the licenses of WBTF, WKCA and WIOK(FM), respectively, as set forth in the above-captioned Notice of Proposed Rulemaking, DA 05-2219, released July 29, 2005, be granted.

Respectfully submitted,

L.M. COMMUNICATIONS OF KENTUCKY,
LLC

GATEWAY RADIO WORKS, INC.

By: 

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October 4, 2005

Their Attorneys

CERTIFICATE OF SERVICE

I, Evangula Brown, hereby certify that a copy of the foregoing "Reply Comments" was mailed, first class postage prepaid, this 4th day of October, 2005 to the following:

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Evangula Brown

EXHIBIT A

***TECHNICAL REPORT IN SUPPORT OF REPLY COMMENTS
MB Docket No. 05-248***

September 30, 2005

This technical report is provided in support of reply comments in MB Docket No. 05-248.

WBTF-Midway Population Gains:

The Commission raised an issue regarding the population gains and losses for the proposed WBTF 298C3 upgrade. Those quantities have been rechecked based on uniform, maximum class 60 dBu contours for the licensed WBTF 300A facility (28.3 km) and the proposed 298C3 upgrade (39.1 km). Using V-Soft Communications' Probe 3 computer program contour overlap feature which evaluates .5 km cells within each contour to determine whether a census block is included in the contour, the gain population has been determined to be 142,521 after a loss of 125 in population is deducted (see attached exhibit). The difference in this result and that of Commission staff would appear to be attributable to the methodology used.

West Portsmouth, Ohio Counterproposal:

The conflict between the WKCA 295A substitution and the West Portsmouth, OH 294A proposals may be easily resolved by changing the reference coordinates for the West Portsmouth 294A allocation to N 38-40-08 W 83-07-38 (see attached exhibit). A change in the reference point for the Owingsville 295A allotment could also eliminate the conflict.

Charles M. Anderson and Associates

WBTF 298C3 Upgrade and WHIR-FM-Wilmore Proposal May Coexist:

By changing the proposed WBTF 298C3 upgrade reference point to an existing tower at N 38-12-15 W 84-32-51, the WBTF upgrade and the WHIR-FM change in community of license may be both granted. This yields a combined population increase of 370,789 (121,141 for WBTF and 249,648 per the EMF proposal). This combined population gain could be achieved if it were preferred over the Perryville 298A proposal.



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WBTF
BLH19981016KA
Latitude: 38-11-41 N
Longitude: 084-38-25 W
ERP: 6.00 kW
Channel: 300
Frequency: 107.9 MHz
AMSL Height: 359.0 m
Elevation: 271.0 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: None

WBTF LICENSED A = 339,065 2,516.07 SQ KM
WBTF C3-A OVERLAP = 338,940 2,438.81 SQ KM
LOSS AREA = 125 77.26 SQ KM

C3 TOTAL AREA = 481,586 8,802.9 SQ KM

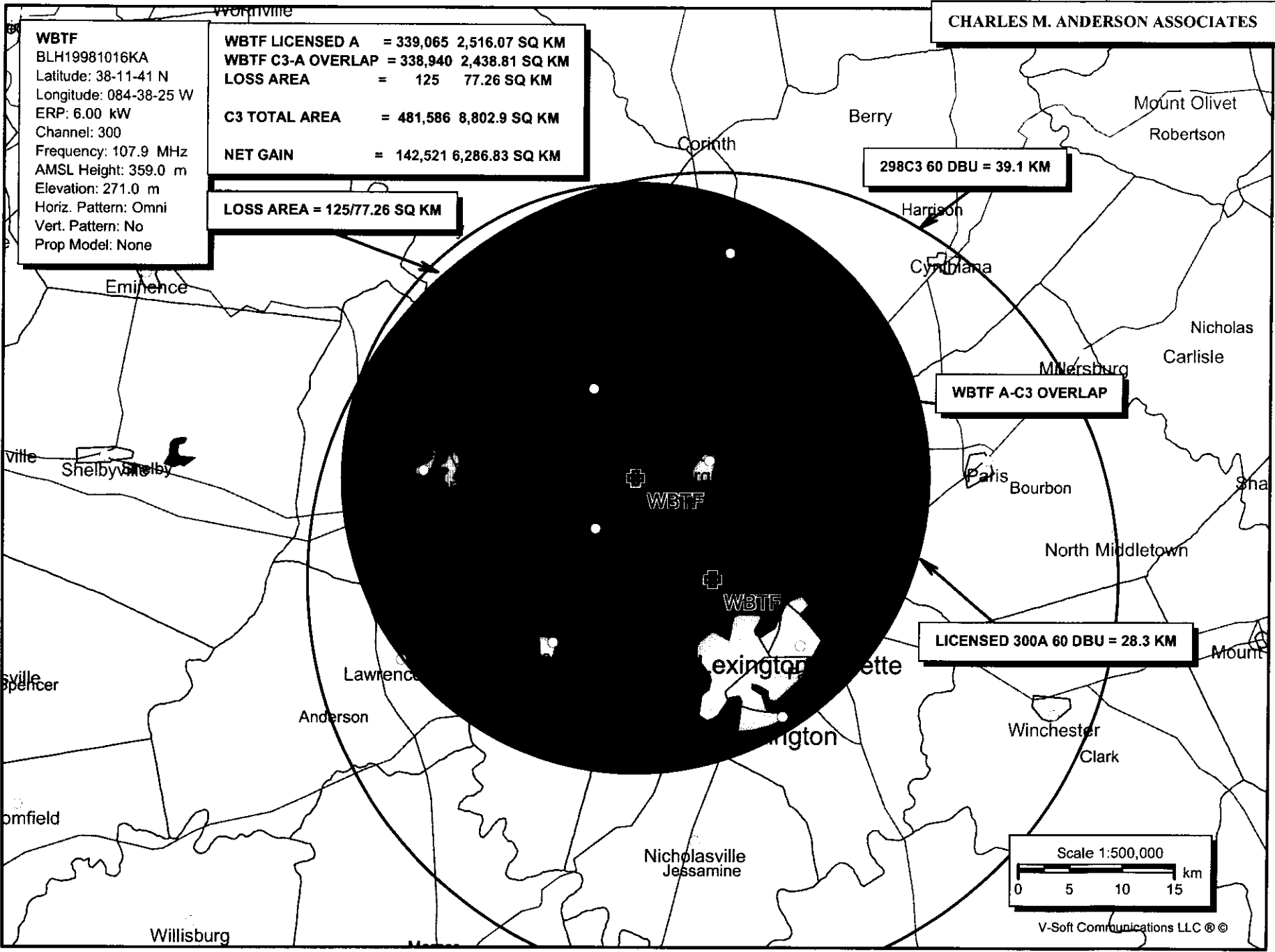
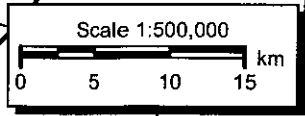
NET GAIN = 142,521 6,286.83 SQ KM

LOSS AREA = 125/77.26 SQ KM

298C3 60 DBU = 39.1 KM

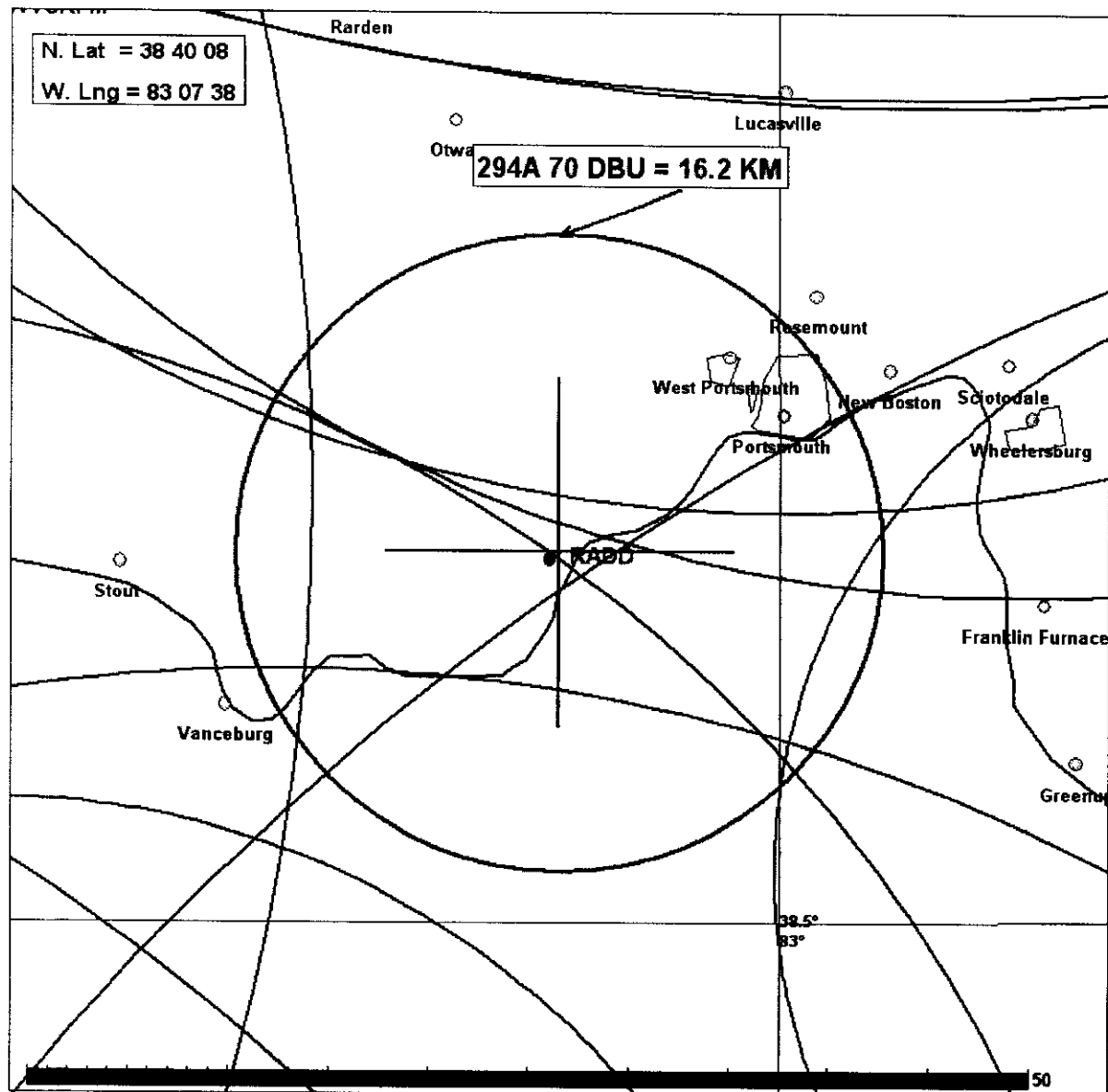
WBTF A-C3 OVERLAP

LICENSED 300A 60 DBU = 28.3 KM



CH 294 A , 106.7 MHz

West Portsmouth 294A



		Data Date:09-28-05		Job Date:09-30-05				
Call	CH#	Type	Location		Azi	D-KM	FCC	Margin
RADD	294A	ADD	West Portsmouth	OH	236.2	0.61	114.5	-113.89
RDEL	294B	DEL	Hillsboro	OH	323.3	69.12	177.5	-108.38
WSRWFM	294B	LIC	Hillsboro	OH	323.3	69.12	177.5	-108.38
RADD	294A	ADD	Augusta	KY	286.2	66.02	114.5	-48.48
RADD	295A	ADD	Owingsville	KY	215.6	71.77	71.5	0.27
RADD	293A	ADD	Chillicothe	OH	18.3	72.92	71.5	1.42
WVKM	294C3	LIC N	Matewan	WV	144.8	143.10	141.5	1.60
WSRWFA	293A	APP-Z	Chillicothe	OH	8.7	74.37	71.5	2.87
WRLVFM	293C3	RSV	Salysersville	KY	188.3	95.42	88.5	6.92
WHRR-L	241L1	LIC	Portsmouth	OH	57.4	13.74	5.5	8.24
WNKR	294A	RSV	Williamstown	KY	271.4	126.89	114.5	12.39
WNKR.C	294A	CP	Williamstown	KY	271.4	126.89	114.5	12.39
WNKR.A	294A	APP	Williamstown	KY	271.4	126.89	114.5	12.39
WBKS	296A	LIC-Z	Ironton	OH	111.3	44.36	30.5	13.86
WQXX	291C3	LIC	Morehead	KY	207.5	60.88	41.5	19.38
RADD	294B1	ADD	Dublin	OH	6.6	166.17	142.5	23.67
WMRNFA	294B1	APP N	Dublin	OH	6.0	166.38	142.5	23.88

MIDWAY 298C3 MODIFIED

REFERENCE

38 12 15 N.
84 32 51 W.

CLASS = C3

Current Spacings
Channel 298 - 107.5 MHz

DISPLAY DATES

DATA 09-30-05

SEARCH 09-30-05

Call	Channel	Location		Azi	Dist	FCC	Margin
RADD	ADD 298C3	Midway	KY	183.6	10.81	152.5	-141.69
RDEL	DEL 298A	Falmouth	KY	20.8	45.50	141.5	-96.00
WIOK	LIC 298A	Falmouth	KY	20.8	45.50	141.5	-96.00
RADD	ADD 298A	Perryville	KY	203.6	69.83	141.5	-71.67
RDEL	DEL 300A	Midway	KY	262.6	8.19	41.5	-33.31
WBTF	LIC-N 300A	Midway	KY	262.6	8.19	41.5	-33.31
WKCA.C	CP -N 299A	Owingsville	KY	100.0	62.31	88.5	-26.19
WBTF.C	CP -Z 300A	Midway	KY	208.8	20.09	41.5	-21.41
RDEL	DEL 299A	Owngsville	KY	91.3	67.59	88.5	-20.91
WKCA	LIC-N 299A	Owingsville	KY	91.3	67.59	88.5	-20.91
RADD	ADD 296A	Wilmore	KY	177.7	41.90	41.5	0.40
WGKS	LIC 245C2	Paris	KY	117.2	19.12	16.5	2.62
RADD	ADD 300A	Falmouth	KY	20.8	45.50	41.5	4.00
WZZZ	LIC 298A	Portsmouth	OH	66.4	146.91	141.5	5.41
WSFR	LIC 299B1	Corydon	IN	268.8	119.75	113.5	6.25
WHIRFM	APP 296A	Danville	KY	199.5	52.18	41.5	10.68
RDEL	DEL 296A	Danville	KY	198.3	61.91	41.5	20.41
WHIRFM	LIC-N 296A	Danville	KY	198.3	61.91	41.5	20.41
WMMX	LIC 299B	Dayton	OH	9.7	171.01	144.5	26.51
RADD	ADD 297A	New Haven	KY	242.4	115.65	88.5	27.15
RADD	ADD 297A	Hodgenville	KY	239.8	115.71	88.5	27.21
WCTTFM	LIC 297C2	Corbin	KY	164.0	150.20	116.5	33.70
RDEL	DEL 297A	Lebanon Junction	KY	245.7	123.43	88.5	34.93
RDEL	DEL 297A	Lebanon Junction	KY	245.7	123.43	88.5	34.93
WTHX	LIC 297A	Lebanon Junction	KY	245.7	123.43	88.5	34.93

WBTF

BLH19981016KA
Latitude: 38-11-41 N
Longitude: 084-38-25 W
ERP: 6.00 kW
Channel: 300
Frequency: 107.9 MHz
AMSL Height: 359.0 m
Elevation: 271.0 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: None

WBTF MODIFIED 298C3 PROPOSAL = 460,206 POPCOUNT +121,141
4,802.9 SQ KM +2,286.9 SQ KM

CHARLES M. ANDERSON ASSOCIATES

298C2 60 DBU = 39.1 KM

300A 60 DBU = 28.3 KM

Scale 1:500,000

0 5 10 15 km

V-Soft Communications LLC ©

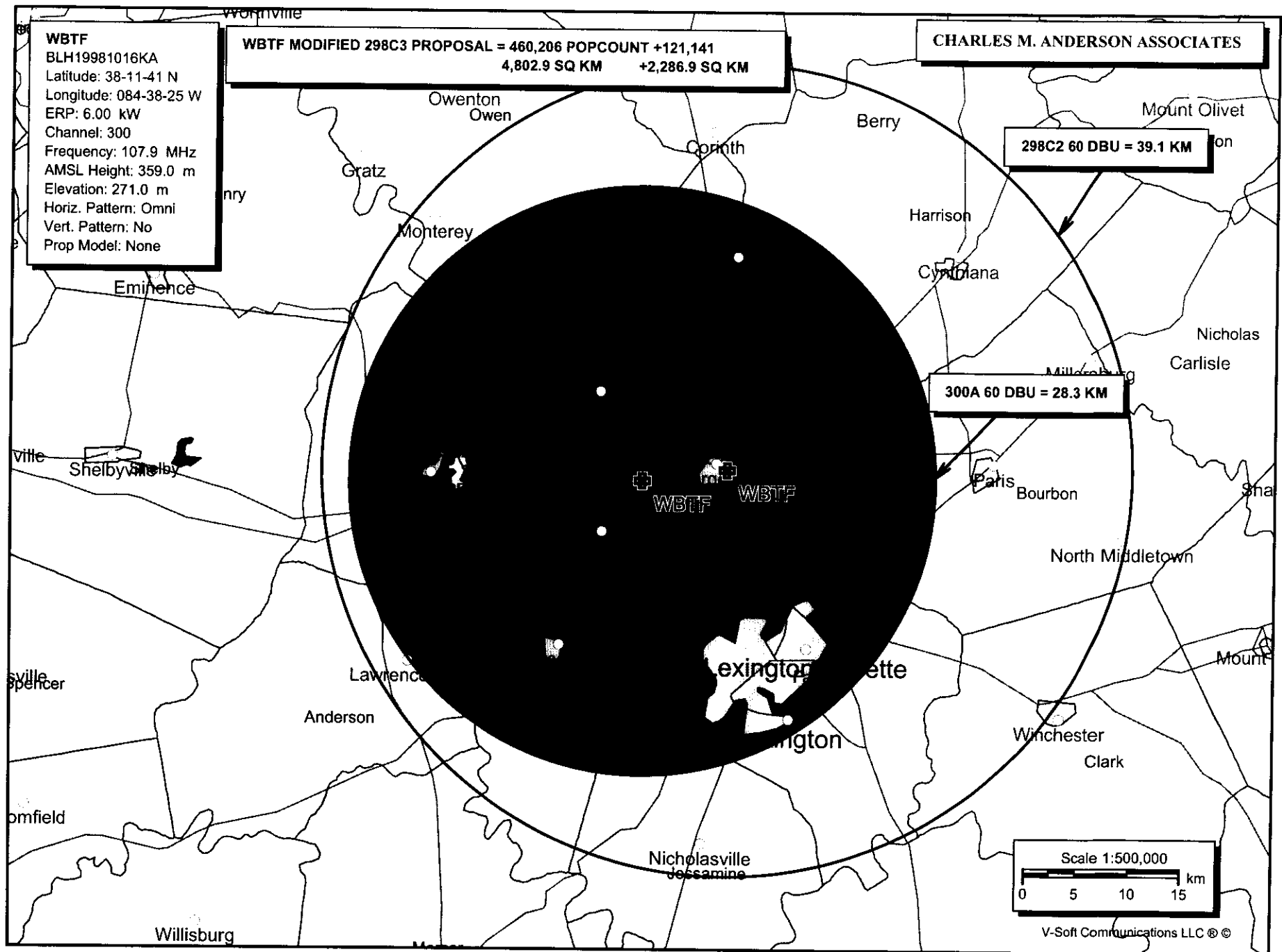


EXHIBIT B

DECLARATION OF LYNN MARTIN

I, Lynn Martin, under penalty of perjury, hereby declare that the following is true and correct. I understand that this Declaration will be submitted to the Federal Communications Commission ("FCC").

1. I am President of L.M. Communications of Kentucky, LLC.
2. On September 27, 2005, I visited Perryville, Kentucky, and took the photographs of Perryville attached hereto as Exhibit C.
3. On September 27, 2005, I spoke with Anthony Young, the Perryville Fire Department Chief. Mr. Young told me that Perryville's Fire Department has no full time employees, and relies upon Boyle County volunteer firefighters who are called and/or paged if their services are needed. Mr. Young also told me that Perryville is a small bedroom village of Danville, Kentucky, and that there are no clothing stores, restaurants or fast food outlets, or grocery stores in Perryville.
4. On September 27, 2005, I was told by a resident of Perryville that the position of Mayor of Perryville is a part time position, and that the police department consists of one police officer.
5. On September 27, 2005, I observed that the Elmwood Inn Tea Room has gone out of business.
6. On September 27, 2005, I spoke with the co-owners of Perryville Furniture Mart, who told me that their store is going out of business because Perryville is "dead."

7. On September 27, 2005, I observed that the primary road through Perryville consists of only two stop light intersections along its length, and that the speed limits are 45 m.p.h. and 55 m.p.h. along this road through Perryville.

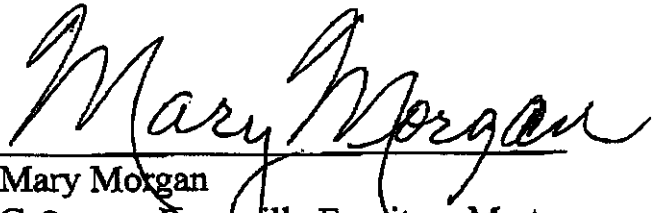
A handwritten signature in black ink, appearing to be "L. J. [unclear]", written over a horizontal line.

Oct. 2, 2005

DECLARATION OF MARY MORGAN

I, Mary Morgan, under penalty of perjury, hereby declare that the following is true and correct. I understand that this Declaration will be submitted to the Federal Communications Commission ("FCC").

1. I am co-owner of Perryville Furniture Mart located in Perryville, Kentucky.
2. The Perryville Furniture Mart is going out of business due in part to the depressed commercial environment in Perryville, Kentucky, the declining population of Perryville, and the presence of larger furniture stores in the vicinity, including in Danville, Kentucky.



Mary Morgan
Co-owner Perryville Furniture Mart
Oct. 3, 2005

DECLARATION OF BARBARA BRUMMETT

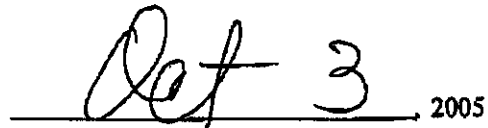
I, Barbara Brummett, under penalty of perjury, hereby declare that the following is true and correct. I understand that this Declaration will be submitted to the Federal Communications Commission ("FCC").

1. I am co-owner of Perryville Furniture Mart located in Perryville, Kentucky.
2. The Perryville Furniture Mart is going out of business due in part to the depressed commercial environment in Perryville, Kentucky, the declining population of Perryville, and the presence of larger furniture stores in the vicinity, including in Danville, Kentucky.

A handwritten signature in cursive script that reads "Barbara Brummett". The signature is written in dark ink and is positioned above a horizontal line.

Barbara Brummett

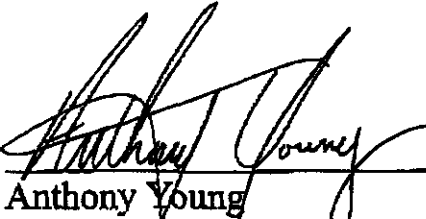
Co-owner Perryville Furniture Mart

A handwritten date "Oct 3" followed by a horizontal line and the year "2005". The date is written in cursive script.

DECLARATION OF ANTHONY YOUNG

I, Anthony Young, under penalty of perjury, hereby declare that the following is true and correct. I understand that this Declaration will be submitted to the Federal Communications Commission ("FCC").

1. I am Chief of the Perryville, Kentucky Fire Department.
2. The Perryville Fire Department has no full-time employees, and uses volunteer fire fighters from Boyle County, Kentucky. The Boyle County Fire Department is located in Danville, Kentucky, and serves the entirety of Boyle County, including Perryville, which is essentially a bedroom community in Danville..



Anthony Young
Chief, Perryville Fire Department
Oct. 3, _____, 2005

EXHIBIT C